

APPENDIX F

An Act to Regulate the Use of Mercury in Batteries

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 38 MRSA § 1661, sub-§6, is enacted to read:

6. Novelty. "Novelty" means a product intended mainly for personal or household enjoyment or adornment. "Novelty" includes, but is not limited to, items intended for use as practical jokes, figurines, adornments, toys, games, cards, ornaments, yard statues and figures, candles, jewelry, holiday decorations and items of apparel.

Sec. 2. 38 MRSA § 1661-C, sub-§ 9, is enacted to read:

9. Novelties. After January 1, 2007, a person may not sell or offer to sell or distribute a novelty that contains a mercury-added battery.

Sec. 3. 38 MRSA § 1662, sub-§ 1-A, is enacted to read:

1-A. Labeling of mercury-added batteries. After January 1, 2007, the manufacturer of a mercury-added battery that is to be sold in this state shall label the battery packaging to clearly identify that the battery contains mercury. This requirement does not apply to products containing one or more mercury-added batteries.

Sec. 4. 38 MRSA § 2165, sub-§ 6, ¶E, is enacted to read:

E. Effective January 1, 2010, a battery that contains any added mercury or a product containing such a battery except a mercuric oxide battery as provided under subsections 2, 3 and 4.

Sec. 5. By February 1, 2007, the Department of Environmental Protection shall submit a report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on the following:

- A. The reliability of mercury-free button batteries, including whether manufacturers have been successful in preventing the formation of gas inside the battery canister; and
- B. Whether mercury-free button batteries are being produced or capable of being produced in sufficient numbers to meet the needs of Maine consumers.

SUMMARY

The bill bans the sale of toys and other novelties containing mercury-added batteries beginning January 1, 2007, and bans the sale of all other mercury-added batteries, except certain mercury oxide batteries allowed under 38 MRSA §1665 beginning January 1, 2010.